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UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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17 THE VACCINE CENTER LLC, d/b/a THE
VACCINE CENTER AND TRAVEL MEDICINE
18 CLINIC, a Nevada limited liability company,

19 Plaintiff,

20 v.

21 GLAXOSMITHKLINE LLC, a Delaware limited
22 liability company; APEXUS, INC., a Delaware
corporation; SOUTHERN NEVADA HEALTH
23 DISTRICT; DOES I - X and ROE
24 CORPORATIONS I - X, inclusive,

25 Defendants.

Case No: 2:12-cv-01849-JCM-NJK

**Order Denying: (1) Defendant
GlaxoSmithKline LLC's Motion to
Dismiss; (2) Defendant Apexus, Inc.'s
Motion to Dismiss; and (3) Defendant
Southern Nevada Health District's
Motion to Dismiss**

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This matter having come on for hearing on September 12, 2013, at 10:00 a.m., in Courtroom 6A before the Honorable James C. Mahan, as to Defendant GlaxoSmithKline LLC's Motion to Dismiss (Doc. 27), Defendant Apexus, Inc.'s Motion to Dismiss (Doc. 29), and Defendant Southern Nevada Health District's Motion to Dismiss (Doc. 33), with Plaintiff The Vaccine Center LLC d/b/a The Vaccine Center and Travel Medicine Clinic ("The Vaccine Center") being represented by William L. Coulthard, Esq. and Mona Kaveh, Esq. of the law firm Kemp, Jones & Coulthard, LLP, and Richard L. Kellner, Esq. of the law firm Kabateck Brown Kellner, LLP; GlaxoSmithKline LLC being represented by Stanley W. Parry, Esq., Edward Chang, Esq., Stephen J. Kastenberg, Esq., and Marcel S. Pratt, Esq. of the law firm Ballard Spahr LLP; Apexus, Inc. being represented by Gregory J. Casas, Esq. and Tyler Andrews, Esq. of the law firm Greenberg Traurig, LLP; and Southern Nevada Health District being represented by Terry A. Coffing, Esq. and Brian Blankenship, Esq. of the law firm Marquis Aurbach Coffing. The Court having reviewed the papers and pleadings on file herein and having heard the oral arguments of counsel; and with good cause appearing and there being no just reason for delay, the Court hereby finds the following:

I.

Findings

A complaint need only contain a "short and plain statement of the claim showing that the pleader is entitled to relief." FED. R. CIV. P. 8(a)(2); *see also Erickson v. Pardus*, 551 U.S. 89, 93-94 (2007). This is required in order to "give the defendant fair notice of what the . . . claim is and the grounds upon which it rests." *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544, 555 (2007). While Rule 8 does not require detailed factual allegations, it demands more than "labels and conclusions" or "a formulaic recitation of the elements of a cause of action." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (internal citations omitted). "Factual allegations must be enough to raise a right to relief above the speculative level." *Twombly*, 550 U.S. at 555 (2007). Thus, to survive a motion to

1 dismiss, a complaint must contain sufficient factual matter to “state a claim to relief that
2 is plausible on its face.” *Iqbal*, 556 U.S. at 678 (internal citations omitted). The
3 Vaccine Center’s Complaint (Doc. 1) satisfies these standards, provides fair notice to
4 Defendants, and is plausible on its face. The Court further finds that Defendants’
5 Motions to Dismiss present questions of fact and therefore permits the parties to proceed
6 with discovery.

7 **II.**

8 **Order**

9 ACCORDINGLY, IT IS HEREBY ORDERED, ADJUDGED AND DECREED
10 that Defendant GlaxoSmithKline LLC’s Motion to Dismiss (Doc. 27) is DENIED.

11 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant
12 Apexus, Inc.’s Motion to Dismiss (Doc. 29) is DENIED.

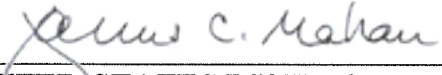
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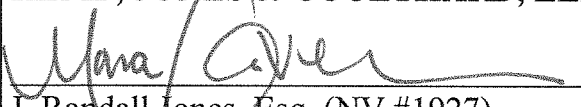
1 IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendant
2 Southern Nevada Health District's Motion to Dismiss (Doc. 33) is DENIED.

3 DATED this 27th day of September, 2013.

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5 
6 UNITED STATES DISTRICT JUDGE

7 Respectfully submitted by:

8 **KEMP, JONES & COULTHARD, LLP**

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